

**SUPREME COURT MINUTES
THURSDAY, APRIL 5, 2001
SAN FRANCISCO, CALIFORNIA**

S078828 Carmel Valley Fire Protection District et al.,
Plaintiffs and Appellants,

v.

State of California et al., Defendants and Respondents.

The judgment of the Court of Appeal is reversed, and the matter is remanded for further proceedings consistent with this opinion.

George, C.J.

We Concur:

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S084616 Russell Glen Day, Plaintiff and Appellant,

v.

City of Fontana et al., Defendants and Respondents.

Both the language and the intended purpose of section 3333.4 support a construction that precludes uninsured drivers from recovering noneconomic damages in actions against local public entities for nuisance and dangerous condition of property. We therefore affirm the judgment of the Court of Appeal.

Baxter, J.

We Concur:

George, C.J.

Werdegar, J.

Chin, J.

Brown, J.

Dissenting Opinion by Mosk, J.

I Concur:

Kennard, J.

S024471 People, Respondent

v.

Paul Gregory Watson, Appellant

The March 27, 2001, due date for the filing of appellant's opening brief is vacated, due to the appointment of replacement counsel on February 28, 2001.

S042323 People, Respondent

v.

Shaun Kareem Burney, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including June 4, 2001.

S050455 People, Respondent

v.

John Michael Beames, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including May 4, 2001, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S069685 In re Curtis F. Price

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to respondent's letter brief is extended to and including April 30, 2001.

S085976 In re Herbert James Coddington

on

Habeas Corpus

The application of petitioner for an extension of time to file a reply to the informal response is granted in part. The reply shall be served and filed on or before April 25, 2001.

After April 25, 2001, the court will act on the petition for writ of habeas corpus.

S094248 Christine DeGrassi, Appellant

v.

Arthur Cook et al., Respondents

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including April 11, 2001.

S096319 Dale E. Robinson, Petitioner

v.

Sacramento County Superior Court, Respondent
People, Real Party in Interest

The above-entitled matter is transferred to the Court of Appeal, Third Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.

S094702 In re **David Gregory Roth** on Discipline

It is ordered that **David Gregory Roth, State Bar No. 123893**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation executed on November 6, 2000, as modified by its order filed December 7, 2000. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S094772 In re **Dana Hugh Anderson** on Discipline

It is ordered that **Dana Hugh Anderson, State Bar No. 59081**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for one year. Credit towards the period of actual suspension shall be given for the period of interim suspension which commenced on May 13, 2000 (*In re Young* (1989) 49 Cal.3d 257, 270.) He is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 17, 2000. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-quarter of said costs shall be added to and become part of the membership fees for the years 2002, 2003, 2004 and 2005. (Bus. & Prof. Code section 6086.10.)

S094774 In re **Fred Ulysses Hammett, Jr.** on Discipline

It is ordered that **Fred Ulysses Hammett, Jr., State Bar No. 41663**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 75 days. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation executed on December 7, 2000. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S096079 In re **David L. Cunningham** on Discipline

The resignation of **David L. Cunningham** having been accepted in **S096262**, this proceeding is dismissed without prejudice to further proceedings should respondent hereafter seek reinstatement.

S096262 In the Matter of the Resignation of **David Leon Cunningham**
A Member of the State Bar of California
The voluntary resignation of **David Leon Cunningham, State Bar No. 34583**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar

*(See Bus. and Prof. Code, § 6126, subd. (c).)

Adm. Order Approving Amendments to Rule 961
Order of the California Rules of Court
2001-1 The court hereby orders that Rule 961(a)(1) of the California Rules of Court be amended to read as follows:
Rule 961(a)(1): . . . Two members of the committee at the time of appointment to the committee shall be present members of the Board of Governors of the State Bar (neither of whom shall be from the Board's Discipline Committee).

No. M.S.B. State Bar Judges: Appointment of Applicant
2001-1 Evaluation and Nomination Committee
Pursuant to rule 961(a)(1), California Rules of Court, the following appointments are made to the Supreme Court's Applicant Evaluation and Nomination Committee, effective April 6, 2001, for the purpose of submitting nominations for the position of judge of the State Bar Court:

1. Honorable Joseph R. Grodin (former associate justice, California Supreme Court), who is designated as chair of the committee, for a term of 4 years.
2. Honorable Paul R. Haerle (Court of Appeal, First Appellate District, Division Two), for a term of 4 years.
3. Anthony Capozzi, Esq., for a term of 2 years.
4. John G. Davies, Esq., for a term of 4 years.
5. Barbara Ravitz, Esq., for a term of 2 years.
6. Victor Revenko, for a term of 4 years.
7. Erica R. Yew, Esq., for a term of 2 years.

--

Inquiry Concerning Former Judge Patricia Gray, No. 159

Upon the request of the Commission on Judicial Performance for the appointment of three special masters in the above proceedings, the following judges, selected by the commission from a list submitted by the Supreme Court, are hereby appointed special masters to hear and take evidence in such matter and report thereon to the commission. (See rule 121, Rules of Com. on Jud. Performance.)

1. Honorable James W. Brown
Superior Court of Santa Barbara County
2. Honorable John E. Munter
Superior Court of San Francisco County
3. Honorable Linda B. Quinn
Superior Court of San Diego County

Judge Quinn is designated presiding special master.

Dated: April 5, 2001

GEORGE

Chief Justice